



GAIL FARBER, Director

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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June 21, 2016

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

35 June 21, 2016

LORI GLASGOW
EXECUTIVE OFFICER

**SUSPENSION OF THE PHASED WATER CONSERVATION PLAN AND
REVISION TO THE RULES AND REGULATIONS OF THE LOS ANGELES COUNTY
WATERWORKS DISTRICTS AND THE MARINA DEL REY WATER SYSTEM
(SUPERVISORIAL DISTRICTS 3, 4, AND 5)
(3 VOTES)**

SUBJECT

This action is to suspend implementation of the Phased Water Conservation Plan in the Los Angeles County Waterworks Districts and the Marina del Rey Water System and to revise the Rules and Regulations of the Los Angeles County Waterworks Districts and the Marina del Rey Water System to include the permanent prohibited water use activities adopted by the State Water Resources Control Board on May 18, 2016.

IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY WATERWORKS DISTRICTS AND THE MARINA DEL REY WATER SYSTEM

1. Find that the proposed actions are exempt from the California Environmental Quality Act Guidelines.
2. Suspend implementation of the Phased Water Conservation Plan at the levels of a Phase I Shortage in Los Angeles County Waterworks District Nos. 21, 36, and 37 and the Marina del Rey Water System; a Phase VI Shortage in Los Angeles County Waterworks District No. 40; and a Phase VIII Shortage in Los Angeles County Waterworks District No. 29.
3. Adopt the Resolution approving the proposed modifications to the Rules and Regulations of the Los Angeles County Waterworks Districts and the Marina del Rey Water System.

4. Revise the Rules and Regulations of the Los Angeles County Waterworks Districts and the Marina del Rey Water System by adding Part 1 Section Y to include the permanent prohibited water-use activities as mandated by the State of California.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to suspend the Phased Water Conservation Plan in the Los Angeles County Waterworks Districts (Districts) and the Marina del Rey Water System and to revise the Rules and Regulations of the Districts and the Marina del Rey Water System.

On April 1, 2015, Governor Brown issued an Executive Order requiring a Statewide mandatory reduction of 25 percent in potable water use in response to unprecedented drought. The Executive Order directed the State Water Resources Control Board (SWRCB) to impose restrictions to achieve an aggregate Statewide 25 percent reduction in use compared to 2013.

State water supply conditions have significantly improved as a result of the rainstorms over the past winter. On May 18, 2016, the SWRCB adopted a revised water conservation regulation that requires urban water suppliers to self-certify whether they have sufficient water available to meet customers' needs, assuming three more dry years. Water suppliers that are projected to face shortages are required to establish a mandatory conservation standard to offset the shortage.

Districts 29 and 40, each serving more than 3,000 connections, are designated as urban water suppliers and are projected to have sufficient water supplies to meet customers' needs. Districts 21, 36, and 37 and the Marina del Rey Water System are smaller nonurban water suppliers and are no longer required to comply with the water conservation regulation. As a result, the Phased Water Conservation Plan can now be suspended in the Districts and the Marina del Rey Water System.

Revisions to the Rules and Regulations are required to include the State's permanent prohibition of specific water-use activities that result in wasted water.

Regardless of the suspension of the Phased Water Conservation Plan, the Districts will continue with its ongoing extensive public education and outreach, water conservation rebates, and other customer support programs to encourage continued water conservation and efficient water use among customers.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness/Fiscal Sustainability (Goal 1) and Integrated Services Delivery (Goal 3) by promoting sound, prudent, transparent fiscal policies, and practices that help ensure maintenance of critical, high-priority County public services to protect and preserve our precious water resources while preserving the quality of life for County residents.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Governor Brown declared a State of Emergency due to the drought in California on January 17, 2014. On April 1, 2015, the Governor issued an Executive Order requiring a Statewide mandatory reduction of 25 percent in potable water use.

The Executive Order directed the SWRCB to impose restrictions to achieve an aggregate Statewide 25 percent reduction in water use compared to 2013. The SWRCB required those areas with high per capita use to achieve proportionally greater reductions than those with low use. Districts 29 and 40, which are designated as urban water suppliers serving more than 3,000 connections, were required to achieve a reduction of 36 percent and 32 percent, respectively, as compared to water usage in 2013. On February 16, 2016, the SWRCB notified District 40 that its water conservation standard was reduced from 32 percent to 28 percent due to the relatively hot climate in the region.

The SWRCB required Districts 21, 36, and 37 and the Marina del Rey Water System, as nonurban water suppliers with fewer than 3,000 service connections, to limit outdoor irrigation of ornamental landscapes or turf with potable water to no more than 2 days per week, or reduce usage by 25 percent.

On May 26, 2015, the Board adopted a resolution implementing Part 5 of the Rules and Regulations for all Districts, including water conservation surcharges in Districts 29 and 40. At that time, Districts 29 and 40 were declared at a Phased Water Conservation Plan shortage level of Phase VIII and Phase VII, respectively, based on the SWRCB's required reduction of 36 percent and 32 percent, respectively. When the SWRCB reduced District 40's conservation standard to 28 percent, the shortage level was reduced from Phase VII to Phase VI. Districts 21, 36, and 37 and the Marina del Rey Water System were declared at a Phased Water Conservation Plan shortage level of Phase I.

On May 18, 2016, the SWRCB adopted an emergency regulation that reflects improved State water supply conditions. These standards require urban water suppliers to ensure a 3-year supply assuming three more dry years similar to 2012 to 2015. Water agencies that would face shortages under three additional dry years are required to meet a conservation standard equal to the amount of shortage. Additionally, nonurban water suppliers are not required to comply with the requirements under the 2015 Drought State of Emergency. Since water supplies are projected to meet the customers' needs, the SWRCB's action allows the Board to suspend the implementation of the Phased Water Conservation Plan for the Districts and the Marina del Rey Water System.

The Board is authorized to modify the existing Phased Water Conservation Plan pursuant to Section 55501 of the County Waterworks District Law, Water Code Sections 55000, et. seq. Adoption of the enclosed Resolution (Enclosure A) will revise the Rules and Regulations, which the Board adopted pursuant to Section 55333 of the County Waterworks District Law.

ENVIRONMENTAL DOCUMENTATION

The proposed action is statutorily and categorically exempt from the California Environmental Quality Act (CEQA). The action, to suspend implementation of the Phased Water Conservation Plan and to reduce penalty surcharges for District customers in conformance with the Rules and Regulations of the District, is within a class of projects that has been determined not to have a significant effect on the environment in that it meets the criteria set forth in Sections 21080(b)(4) and 21080(b)(8) of the Public Resources Code and Sections 15269(c) and 15273(a) of the State CEQA Guidelines. Section 21080(b)(4) provides that projects qualify for an exemption of specific actions necessary to prevent or mitigate an emergency, such as the implementation of the drought emergency response that was required by the Governor and therefore is applicable to the suspension of the Phased Water

Conservation Plan. Section 21080 (b)(4) also applies to the proposed rules and regulations changes to incorporate the permanent prohibited water-use activities as mandated by the State of California as part of the emergency response to the continuing drought. With respect to the approval of these charges, this action is also statutorily exempt from CEQA pursuant to Section 21080(b)(8) of the Public Resources Code and Section 15273(a) of the State CEQA Guidelines. These provisions apply to the establishment, modification, structuring, or approval of rates or other charges by a public agency for the purpose of meeting operating expenses and purchasing supplies and equipment or materials.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Suspension of the Phased Water Conservation Plan will reflect current water supply conditions and eliminate water conservation surcharges paid by some customers of Districts 29 and 40.

CONCLUSION

Please return one adopted copy of this letter and one signed original of the Resolution to the Department of Public Works, Waterworks Division.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER

Director

GF:AA:cr

Enclosures

c: Chief Executive Office (Rochelle Goff)
County Counsel (Michael Moore)
Executive Office

ENCLOSURE A

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES, CALIFORNIA, APPROVING THE PROPOSED MODIFICATION TO THE RULES AND REGULATIONS OF THE LOS ANGELES COUNTY WATERWORKS DISTRICTS AND THE MARINA DEL REY WATER SYSTEM

WHEREAS, on January 17, 2014, the Governor of California declared a State of Emergency in response to a 3-year Statewide drought; and

WHEREAS, on April 1, 2015, the Governor of California issued Executive Order B-29-15 that directs the State Water Resources Control Board (SWRCB) to impose restrictions on urban water suppliers to achieve a Statewide 25 percent reduction in potable urban usage through February 2016; and

WHEREAS, on November 13, 2015, the Governor of California issued Executive Order B-36-15 calling for an extension of urban water use restrictions until October 31, 2016, should drought conditions persist through January 2016; and

WHEREAS, on May 9, 2016, the Governor of California issued Executive Order B-37-16 calling on the SWRCB to adjust emergency water conservation regulations through the end of January 2017 in recognition of improved State water supply conditions; and

WHEREAS, Executive Order B-37-16 keeps in place specific prohibitions against certain water uses such as watering down a sidewalk with a hose instead of using a broom or a brush, or overwatering a landscape to where water is running off the lawn, over a sidewalk and into the gutter.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Los Angeles, as the governing body of the Los Angeles County Waterworks Districts and the Marina del Rey Water System, does hereby approve and adopt the amendments to the Rules and Regulations of the Los Angeles County Waterworks Districts and the Marina del Rey Water System (Enclosure B).

The foregoing Resolution was adopted on the 21st day of June, 2016, by the Board of Supervisors of the County of Los Angeles as the governing body of the Los Angeles County Waterworks Districts and the Marina del Rey Water System.



LORI GLASGOW
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By Carla Little
Deputy

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

By Matt H. Stone
Deputy

ENCLOSURE B

PART 1 - GENERAL CONDITIONS AND RULES (Continued)

SECTION Y – WATER USE ACTIVITY PROHIBITIONS

- 1-Y-1 THE STATE OF CALIFORNIA MANDATED WATER-USE ACTIVITY PROHIBITIONS FOR THE LOS ANGELES COUNTY WATERWORKS DISTRICTS AND THE MARINA DEL REY WATER SYSTEM.
- a. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
 - b. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
 - c. The application of potable water to driveways and sidewalks.
 - d. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.
 - e. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall.
 - f. The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.
 - g. The irrigation with potable water of ornamental turf on public street medians.
 - h. The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.
 - i. To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.